

SUPPORT FOR THE AMENDMENTS

The present amendment amends claims 1-3. Support for the amendment to claims 1-3 is found at specification page 2, lines 28-38, page 4, lines 12-14, page 5, lines 7-10, page 6, lines 5-9, page 7, lines 27-30, as well as original claims 1 and 5.

The specification has been amended, and the drawing sheet filed on November 2, 2009 and January 9, 2007 has been replaced with the attached replacement drawing sheet, to address the Examiner's objection to various informalities. Support for these amendments to the specification and the attached replacement drawing sheet is found in the application as originally filed.

It is believed that these amendments, and the submission of the attached replacement drawing sheet, have not resulted in the introduction of new matter.

REMARKS

Claims 1-7 are currently pending in the present application. Claims 1-3 have been amended by the present amendment. Claims 4-7 stand withdrawn from consideration by the Examiner as being directed to a non-elected invention.

The rejection of claims 1-3 under 35 U.S.C. § 103(a) as being obvious over Back (U.S. Patent 4,943,463) in view of Kessler (U.S. Patent 4,288,905) and Harper (Handbook of Plastics) is respectfully traversed in part, and obviated by amendment in part, with respect to claims 1-3, which incorporates into amended claim 1 the limitation that the plastic tube and the plastic rod are discharged from the extruder and then introduced without contact with one another into a vacuum tank calibrator, wherein at about 20 cm after entry into the vacuum tank calibrator the plastic tube is filled in parallel with the plastic rod and fused together.

Amended claim 1 now recites a process for producing a rod composed of a transparent plastic via extrusion of a plastic molding composition, wherein the process comprises: dividing the plastic molding composition into a plastic molding composition 1 and a plastic molding composition 2; extruding the plastic molding composition 1 as a plastic tube; and extruding the plastic molding composition 2 as a plastic rod, wherein the plastic tube and the plastic rod are discharged from the extruder and then introduced without contact with one another into a vacuum tank calibrator, wherein at about 20 cm after entry into the vacuum tank calibrator the plastic tube is filled in parallel with the plastic rod and fused together.

Applicants respectfully submit that a *prima facie* case of obviousness for arriving at the claimed distance of at about 20 cm after entry into the vacuum tank calibrator, the plastic tube is filled in parallel with the plastic rod and fused together, by routine optimization has not been established.

A particular parameter must first be recognized as a result-effective variable before the determination of the optimal ranges of said variable may be characterized as routine experimentation. See e.g., MPEP § 2144.05(II)(B); and *In re Antonie*, 195 USPQ 6, 8, 9 (CCPA 1977).

Back and Kessler, when considered alone or in combination, fail to disclose or reasonably suggest to a skilled artisan that the plastic tube and the plastic rod are discharged from the extruder and then introduced without contact with one another into a vacuum tank calibrator, wherein at about 20 cm after entry into the vacuum tank calibrator the plastic tube is filled in parallel with the plastic rod and fused together.

Contrary to page 4, lines 15-18 of the Official Action, since Back and Kessler are completely silent as to discharging the plastic tube and the plastic rod from the extruder and then introducing the same without contact with one another into a vacuum tank calibrator, wherein at about 20 cm after entry into the vacuum tank calibrator the plastic tube is filled in parallel with the plastic rod and fused together, as presently claimed, Back and Kessler necessarily fail to recognize that the claimed distance of at about 20 cm after entry into the vacuum tank calibrator, the plastic tube is filled in parallel with the plastic rod and fused together, is a result-effective variable that may be optimized by routine experimentation.

Accordingly, a skilled artisan would neither have been motivated, nor had a reasonable expectation of success, to modify the processes described in Back and/or Kessler to arrive at the claimed distance of at about 20 cm after entry into the vacuum tank calibrator, the plastic tube is filled in parallel with the plastic rod and fused together, by routine optimization, based on the limited disclosures of Back and Kessler, absent impermissible hindsight reconstruction, thereby precluding a *prima facie* case of obviousness.

Assuming *arguendo* that sufficient motivation and guidance is considered to have been provided by Back and/or Kessler to direct a skilled artisan to arrive at the claimed process, which is clearly not the case, such a case of obviousness is rebutted by a showing of unexpected results.

As discussed in the present specification, Applicants have discovered that highly transparent rods having large diameters with uniform cross sections are remarkably produced by the process of the present invention as compared to the lower transparency non-uniform cross section properties exhibited by traditional rods produced by conventional processes.

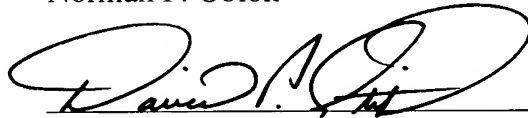
Withdrawal of this ground of rejection is respectfully requested.

The objection to the drawing is obviated by the attached replacement drawing sheet. Withdrawal of this ground of objection is respectfully requested.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

A handwritten signature in black ink, appearing to read "David P. Stitzel", is written over a horizontal line.

David P. Stitzel
Attorney of Record
Registration No. 44,360

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)